

PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 14184500
Internet: <http://mw.fcc.gov>
TTY: 14888354322

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITIONS FOR EXTENSION OF THE DEADLINE FOR SUPPORT OF ROAMING BY WIRELESS END-USERS WITH PORTED OR POOLED NUMBERS

(CC Docket No. 99-200; CC Docket No. 95-200; WT Docket No. 01-184)

Comments Due: February 13, 2003
Reply Comments Due: February 27, 2003

Pine Belt PCS, Inc. and Pine Bell Cellular, Inc. (Pine Belt) and Kodiak Wireless, LLC (Kodiak) seek partial waivers and extensions of the November 24, 2002, deadline for covered Commercial Mobile Wireless Service (CMRS) providers to provide nationwide roaming support for end-users with pooled or ported numbers.¹

Under Commission rules and orders, covered CMRS providers that operate within the largest 100 Metropolitan Statistical Areas (MSAs) are required to offer local number portability (LNP), which allows customers to retain their phone numbers when changing carriers, by November 21, 2003, and must participate in thousands-block pooling by November 24, 2002.² In addition, all covered CMRS providers must support nationwide roaming by users with ported or pooled numbers by November 24, 2002.³ This requirement was intended to ensure that if a customer with a ported or pooled number roamed into another CMRS carrier's network, that CMRS carrier would support that customer's ability to make and receive calls.⁴

¹ Petition for Waiver by Pine Belt PCS, Inc. and Pine Belt Cellular, Inc., CC Docket Nos. 99-200 and 95-116, WT Docket No. 01-184 (filed November 22, 2002); Petition for Limited Waiver and Extension of Time by Kodiak Wireless, LLC, CC Docket No. 99-200 (filed November 22, 2002) (Petitions).

² See *Verizon Wireless Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation*, WT Docket No. 01-184, and *Telephone Number Portability*, CC Docket No. 95-116. Memorandum Opinion and Order, 17 FCC Rcd 14972, 14985, 14986, para. 31 (2002) (*Verizon Wireless LNP Forbearance Order*). *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 99-200, 17 FCC Rcd 252, 261-62, paras. 19, 20 (2001).

³ 47 C.F.R. § 52.31(a); see also *Verizon Wireless LNP Forbearance Order*, 17 FCC Rcd at 14986, para. 31.

⁴ *Verizon Wireless LNP Forbearance Order*, 17 FCC Rcd at 14913, n. 11.

Pine Belt states that it is a small, rural CMRS provider that is unable to meet the November 24, 2002, deadline for support of roaming by users with pooled or ported numbers. Pine Belt claims that, despite diligent efforts to obtain funds to cover the costs of upgrading its equipment, it has not yet succeeded in doing so. Pine Belt states that, without assurance of funding, it cannot purchase the necessary upgrades because revenues from current operations alone will not support the additional costs.

Pine Belt therefore requests a one-year extension of the November 24, 2002 deadline for roaming support. It asserts that it has received "promising indications" from a lender, and that it anticipates that it will be able to obtain funding and purchase, install, and test the necessary upgrades within six to eight months after the deadline. It requests an additional one-year "out of an abundance of caution," and suggests that it file a bi-monthly report on its progress during the extension period.

In addition to the extension of the deadline for support of roaming, Pine Belt also requests a waiver or temporary extension of the Commission's requirement under 47 C.F.R. § 20.18(d) that carriers deliver valid call back numbers to Public Safety Answering Points in the areas where they are providing Phase I Enhanced 911 (E911) service.

Kodiak, another small, rural CMRS provider, similarly argues that it has been particularly burdened by the costs of providing roaming support for phones with pooled or ported numbers because of its limited resources. Kodiak asserts that these resources have already been strained by the need to meet other federal mandates such as E911.⁵ As a result, Kodiak asserts that it will not be able to meet the November 24, 2002, deadline and requests a partial waiver and an extension of the deadline to July 1, 2003.

We seek comment on the issues raised by the Petitions. Interested parties may file comments on or before February 13, 2003. Reply comments are due February 27, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶

This is a "permit but disclose" proceeding pursuant to § 1.1206 of the Commission's Rules.⁷ Ex parte presentations that are made with respect to the issues involved with regard to the Petition will be allowed but must be disclosed in accordance with the requirements of § 1.1206(b) of the Commission's Rules.⁸

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filing parties should include their full name, Postal

⁵ See 47 C.F.R. § 20.18.

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (1998); 63 Fed. Reg. 24121 (1998).

47 C.F.R. § 1.1206.

⁸ 47 C.F.R. § 1.1206(b).

Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, parties should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **All** hand deliveries must be held together with rubber bands or fasteners. **Any** envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. In addition, a diskette-copy should be sent to the Commission's copy contractor, Qualex International, Portals 11, 445 12th Street, S.W., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail to qualexint@aol.com.

The full text of the Petitions and responsive comments will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals 11, 445 12th Street, SW, Room CY-4257, Washington, DC, 20554. These documents may also be purchased from the Commission's duplicating contractor. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at bmillin@fcc.gov. This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>. For further information concerning this proceeding, contact Peter Trachtenberg, Policy Division, Wireless Telecommunications Bureau, at (202) 418-7369 (voice) or (202) 418-1169 (TTY)

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